

MILBANK, TWEED, HADLEY & McCLOY LLP

INTERNATIONAL SQUARE BUILDING

1825 EYE STREET, N. W.

WASHINGTON, D.C. 20006-5417

NEW YORK
212-530-5000
FAX: 212-530-5219LOS ANGELES
213-892-4000
FAX: 213-629-5063PALO ALTO
650-739-7000
FAX: 650-739-7100LONDON
44-207-448-3000
FAX: 44-207-448-3029

202-835-7500

FAX: 202-835-7586

Einar Stole

DIRECT DIAL NUMBER
202-835-7553

E-MAIL: estole@milbank.com

RECEIVED

CENTRAL FAX CENTER

JUN 03 2004

OFFICIAL

TOKYO
813-3504-1050
FAX: 813-3595-2790HONG KONG
852-2971-4888
FAX: 852-2840-0792SINGAPORE
65-428-2400
FAX: 65-428-2500FRANKFURT
49-69-7593-7170
FAX: 49-69-7593-8303**FACSIMILE TRANSMISSION**

DATE: June 3, 2004

To:

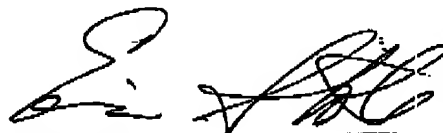
| NAME | FAX NO. | PHONE NO. |
|--------------------------------|----------------|-----------|
| US Patent and Trademark Office | (703) 872-9306 | |

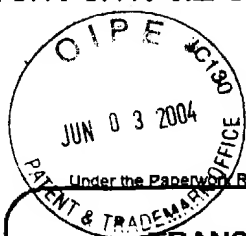
FROM: Einar Stole

PHONE: (202) 835-7553

RE: US Patent Application Serial No. 09/382,837

| | | |
|-----------------------------------|----|------------------------------|
| FILE NUMBER: 33677.00600US | | |
| NUMBER OF PAGES, INCLUDING COVER: | 61 | ORIGINALS FOLLOW BY MAIL: NO |

MESSAGE:I hereby certify that this correspondence is being facsimile transmitted to the
USPTO on June 3, 2004.

Einar Stole
Reg. No. 47,272RECEIVED
JUN - 7 2004
OPIE/JCWS**CONFIDENTIALITY NOTE:**



PTO/SB/21 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | |
|---|------------------------|-----------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 09/382,837 |
| | Filing Date | August 25, 1999 |
| | First Named Inventor | Borodic |
| | Art Unit | 1644 |
| | Examiner Name | G.R. Ewoldt |
| Total Number of Pages in This Submission | Attorney Docket Number | 33677.00600US |

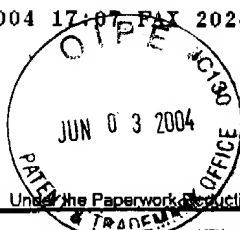
| ENCLOSURES (Check all that apply) | | |
|---|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Credit Card Authorization Form |
| Remarks | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|------------------------------|
| Firm or Individual name | Einar Stole, Reg. No. 47-272 |
| Signature | |
| Date | June 3, 2004 |

| CERTIFICATE OF TRANSMISSION/MAILING | |
|---|------------------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | |
| Typed or printed name | Einar Stole, Reg. No. 47-272 |
| Signature | |
| Date | June 3, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



JUN 03 2004

Approved for use through 07/31/2006. OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 198.00)

Complete if Known

Application Number 09/382,837
 Filing Date August 25, 1999
 First Named Inventor Borodic
 Examiner Name G.R. Ewoldt
 Art Unit 1644
 Attorney Docket No. 33677.00600/LIS

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

 Deposit Account Number
 Deposit Account Name

13-3250

Milbank, Tweed

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments
☒ Charge any additional fee(s) or any underpayment of fee(s)
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 1001 770 | 2001 385 | Utility filing fee | |
| 1002 340 | 2002 170 | Design filing fee | |
| 1003 530 | 2003 265 | Plant filing fee | |
| 1004 770 | 2004 385 | Reissue filing fee | |
| 1005 180 | 2005 80 | Provisional filing fee | |
| SUBTOTAL (1) (\$) | | | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 20** = 11 | X | 18 | 198.00 |
| Independent Claims | 3** = | X | |
| Multiple Dependent | | | |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description |
|----------------------------|----------------------------|--|
| 1202 18 | 2202 9 | Claims in excess of 20 |
| 1201 86 | 2201 43 | Independent claims in excess of 3 |
| 1203 290 | 2203 145 | Multiple dependent claim, if not paid |
| 1204 86 | 2204 43 | ** Reissue Independent claims over original patent |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) (\$ 198.00) | | |

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|--|----------|
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 1053 130 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for ex parte reexamination | |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | Extension for reply within first month | |
| 1252 420 | 2252 210 | Extension for reply within second month | |
| 1253 950 | 2253 475 | Extension for reply within third month | |
| 1254 1,480 | 2254 740 | Extension for reply within fourth month | |
| 1255 2,010 | 2255 1,005 | Extension for reply within fifth month | |
| 1401 330 | 2401 165 | Notice of Appeal | |
| 1402 330 | 2402 165 | Filing a brief in support of an appeal | |
| 1403 280 | 2403 145 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,330 | 2453 665 | Petition to revive - unintentional | |
| 1501 1,330 | 2501 665 | Utility issue fee (or reissue) | |
| 1502 480 | 2502 240 | Design issue fee | |
| 1503 640 | 2503 320 | Plant issue fee | |
| 1460 130 | 1460 130 | Petitions to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 180 | 1806 180 | Submission of Information Disclosure Stmt | |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 770 | 2809 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 770 | 2810 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 770 | 2801 385 | Request for Continued Examination (RCE) | |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type) Einar Steier
 Signature [Signature]
 Registration No. 42,272
 Telephone 202-835-7553
 Date 06/03/04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PATENT
ATTORNEY DOCKET NO. 33677.00600US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gary E. BORODIC

Application Serial No.: 09/382,837

Filed: August 25, 1999

Title: *Chemodenervating Pharmaceutical As An Anti-Inflammatory Agent*

))
)
)
)
)
)
)
)
)

Group Art Unit: 1644

Examiner: G. R. Ewoldt, Ph.D.

RECEIVED
CENTRAL FAX CENTRE

OFFICIAL

Mail Stop Patent Applications
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT UNDER 37 CFR § 1.115

Sir:

Prior to examination of the above-identified application, Applicant respectfully submits the following preliminary amendment. This amendment follows Applicant's submission of a Request for Continued Examination, a response to the Examiner's Office Action of September 25, 2003, and a personal interview between the Examiner, inventor and Applicant's representative.

In view of the response to the Examiner's Office Action of September 25, 2003 and this amendment, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

06/08/2004 AWDNDAF1 00000012 09382837

01 FC:1202

198.00 OP